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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,861	06/08/2001	Kiyotaka Kinoshita	1083.1081	9348

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EXAMINER

ELMORE, JOHN E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/875,861

Applicant(s)

KINOSHITA, KIYOTAKA

Examiner

John Elmore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "necessary" in claims 1 (line 2), 8 (line 1), 12 (line 1), 13 (line 2), 14 (line 2), 15 (line 1), and 16 (line 1) is a relative term which renders the claims indefinite. The term "necessary" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In the interest of compact prosecution, this limitation is subsequently ignored for the purpose of further examination.

The term "capable of" claim 1 (page 31, lines 1 and 12), claim 5 (line 5), claim 6 (line 5), and claim 7 (page 34, line 2) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). In the interest of compact prosecution, this limitation is subsequently read as "programmed to" for the purpose of further examination.

Claims 2-4 are rejected by virtue of their dependence on claim 1 and claims 9-11 are rejected by virtue of their dependence on claim 8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 8, 9, and 12-16 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Jacobs (USPN 5,185,697 – published February 9, 1999) in view of Pare et al, hereinafter Pare, (USPN 5,805,719 – published September 8, 1998).

Regarding independent claim 1, Jacobs discloses a crisis management system comprising:

a server computer that transmits and receives necessary information in response to an occurrence of an incident (column 3, lines 38-45, and column 8, lines 7-18); and

a terminal apparatus which is connected to the server computer through a communication network (column 3, lines 34-38 and 54-56, and column 7, lines 12-13);

wherein the server computer includes:

a characteristic registration file in which incident types and characteristic

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information of the respective incidents are registered (server stores a list of crisis situation types (registration file containing incident types); see column 5, lines 20-30, and column 12, line 64);

an incident handling information file in which incident handling information, for each of the incident type, including a plurality of items of information to be provided and an access level decided for each of the items of information to be provided is registered (list of topic files (incident handling file) for each crisis situation type (incident type); see column 12, lines 65-67); and

a processor (central computer; column 3, lines 44-45) connected to the characteristic registration file and to the incident handling information file (column 3, lines 15-24 and 45-47; column 5, lines 20-42; and column 12, lines 60-67), and capable of performing the following operations:

accepting information concerning the incident (column 4, lines 35-51, and column 5, lines 43-47);

identifying the incident based on the accepted information concerning the incident and the characteristic registration file (organized by incident type and associated topic files; column 3, lines 45-47, and column 5, 37-41 and 47-50); and

gathering information to be provided, with respect to the identified incident, which information is associated with an item of information to be provided registered in the incident handling information file (associated information gathered from various sources; see column 5, lines 43-47, and column 8, lines 7-22; and associated

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topic files are automatically updated; see column 4, lines 49-55, and column 6, lines 3-7).

Jacobs also teaches that the server (crisis command center computer) and terminal apparatus (remote unit) are equipped with security devices and protocol to ensure secure communications between them (column 7, lines 35-41), but Jacobs does not explain a system wherein the terminal apparatus includes a processor capable of performing the following operations:

- accepting a unique identifier assigned to a manager;

- accepting biometric information of the manager; and

- transmitting to the server computer identification information

including the accepted identifier and biometric information;

and wherein the server computer further includes an authentication data file in which authentication data including an identifier, biometric information and an access permission level of each manager is pre-registered,

and the processor of the server computer further capable of performing the following operations:

- authenticating the manager based on the transmitted

identifier and biometric information of the manager and the identifier and biometric information registered in the authentication data file;

- determining whether to permit access to the information to be

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provided or not based on the access level of the item of information to be provided associated with the identified incident and the access permission level of the authenticated manager; and

when it is determined that the access is permitted, transmitting to the terminal apparatus the gathered information to be provided associated with the item of information to be provided.

However, Pare teaches a system and method for improved identification and authorization of transactions and transmissions (column 5, line 66, through column 5, line 20) wherein the terminal apparatus (column 6, lines 35-38) includes a processor capable of performing the following operations:

accepting a unique identifier assigned to a manager (user) (unique personal identification code (PIC); see column 5, line 66, through column 6, line 6; column 6, lines 38-41, and column 7, line 48, through column 8, line 20);

accepting biometric information of the manager (user) (see column 5, line 66, through column 6, line 6, and column 6, lines 31-35); and

transmitting to the server computer (data processing center (DPC); column 6, line 6, and 12, line 30; also known as host system; see column 6, lines 6-7) identification information including the accepted identifier and biometric information (column 5, line 66, through column 6, line 17; column 6, 62-65; and column 12, lines 11-16 and 30-35);

and wherein the server computer further includes an authentication data

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file in which authentication data including an identifier, biometric information and an access permission level of each manager (user) is pre-registered (PIC (unique ID), biometric information, and security level (access permission level) information are registered and stored at DPC/host system in the Individual Biometric Database (authentication data file) for the purpose of user authentication; see column 6, lines 6-20; column 7, lines 7-18; column 10, lines 29-35; column 13, lines 19-24; and column 67, lines 60-65; and column 69, lines 3-12),

and the processor of the server computer further capable of performing the following operations:

authenticating the manager (user) based on the transmitted identifier and biometric information of the manager (user) and the identifier and biometric information registered in the authentication data file (column 7, lines 13-18);

determining whether to permit access to the information to be provided or not based on the access level of the item of information to be provided associated with the identified incident and the access permission level of the authenticated manager (user) (access to data based on security level; see column 7, lines 10-18; column 10, lines 52-58 and 64-67; column 12, lines 19-22; and column 67, lines 60-65); and

when it is determined that the access is permitted, transmitting to the terminal apparatus the gathered information to be provided associated with the item of information to be provided (transmission dependent upon authentication; see column

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6, lines 10-14; and column 10, lines 52-58; transmitting gathered information to terminal apparatus; see Jacobs, column 8, lines 37-39).

Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Jacobs with the teaching of Pare to devise a system wherein the terminal apparatus includes a processor capable of performing the following operations:

- accepting a unique identifier assigned to a manager;

- accepting biometric information of the manager; and

- transmitting to the server computer identification information

including the accepted identifier and biometric information;

and wherein the server computer further includes an authentication data file in which authentication data including an identifier, biometric information and an access permission level of each manager is pre-registered,

and the processor of the server computer further capable of performing the following operations:

- authenticating the user based on the transmitted identifier and biometric information of the manager and the identifier and biometric information registered in the authentication data file;

- determining whether to permit access to the information to be provided or not based on the access level of the item of information to be provided associated with the identified incident and the access permission level of the authenticated manager; and

when it is determined that the access is permitted, transmitting to the terminal apparatus the gathered information to be provided associated with the item of information to be provided.

One would be motivated to do so in order to provide an improved capability to identify managers and authorize transactions and transmissions in a crisis management system, particularly where managers are readily authenticated without the need of a token, such as a computer-readable badge, which may be lost or stolen and difficult to replace in a timely manner during a crisis situation.

Regarding dependent claim 2, Jacobs and Pare teach all the limitations of claim 1, and further teach a system wherein the incident handling information further includes sequence information in which the items of information to be provided are provided and the information to be provided is transmitted to the terminal apparatus according to the sequence information (information is organized and transmitted chronologically; see Jacobs, column 8, lines 23-25 and 32-39).

Regarding dependent claims 8, 9, 12, 13, 15 and 16, this is a computer version of the claimed system discussed above (claims 1 and 2). Therefore, for reasons applied above, such a claim also would have been obvious.

Regarding dependent claim 14, this is the equivalent to claim 1 with the distinction that it explicitly employs means-plus-function language. Therefore, for reasons applied above, such a claim also would have been obvious.

5. **Claims 3, 4, 10 and 11 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Jacobs in view of Pare, as applied to claims 1 and 2, and further in view of White (USPN 5,805,719 – published April 20, 1999).

Regarding dependent claim 3, Jacobs and Pare do not explain a system wherein when the identification information is transmitted to the server computer, hardware information of the terminal apparatus is also transmitted, and when it is determined that the access is permitted, the gathered information to be provided is edited based on the transmitted hardware information, and then, the edited information to be provided is transmitted to the terminal apparatus.

However, Jacobs and Pare teach that gathered information is edited by the server (DPC/host computer) prior to transmission to the terminal apparatus (remote unit) based upon certain factors such as the incident type (crisis topic) (see Jacobs, column 7, lines 18-22). And White teaches a system for enabling a plurality of computers, some or all of which may be heterogeneous in configuration, to cooperatively process applications (column 3, lines 39-45), wherein hardware information of the terminal apparatus (terminal or resource ID; column 18, lines 9-16, column 36, lines 49-53; and column 40, lines 27-40) is transmitted to the server (view server (server) receives resource ID and device-type attributes from application where output will be sent to terminal; column 14, line 62, through column 15, line 6; column 22, lines 38-41; column 37, lines 15-17; column 38, lines 33-52; column 39, lines 30-54; and column 40, lines 4-10),

and when it is determined that the access is permitted, the gathered information to be provided is edited based on the transmitted hardware information, and then, the edited information to be provided is transmitted to the terminal apparatus (information edited according to interface and device characteristics of the terminal; see column 18, 29-33; , and column 39, lines 9-21) .

Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Jacobs and Pare with the teaching of White to devise a system wherein when the identification information is transmitted to the server computer, hardware information of the terminal apparatus is also transmitted, and when it is determined that the access is permitted, the gathered information to be provided is edited based on the transmitted hardware information, and then, the edited information to be provided is transmitted to the terminal apparatus. One would be motivated to do so in order to permit a server and terminal apparatus to cooperatively process applications associated with a crisis management system wherein the server and terminal apparatus are heterogeneous in configuration.

Regarding dependent claim 4, this claim is equivalent to the system discussed above (claim 3) with the distinction that it is additionally dependent on claim 2 rather than claim 1 only. Therefore, for reasons applied above, such a claim also would have been obvious.

Regarding dependent claim 10, this is a computer version of the claimed system discussed above (claim 3). Therefore, for reasons applied above, such a claim also would have been obvious.

Regarding dependent claim 11, this is computer version of the claimed system discussed above (claim 3) with the distinction that it is additionally dependent on claim 9 rather than claim 8 only. Therefore, for reasons applied above, such a claim also would have been obvious.

6. **Claims 5 and 6 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Jacobs in view of Pare, as applied to claim 1, and further in view of Western Telematic Inc., hereafter WTI, ("RPB+ Remote Power Book Switch," User Guide, March 2000).

Regarding dependent claim 5, Jacobs and Pare do not explain a system further comprising a power supply and interrupt apparatus that supplies and interrupts power to the terminal apparatus, the processor of the server computer further capable of performing an operation of transmitting an incident occurrence signal to the power supply and interrupt apparatus, and the power supply and interrupt apparatus including a processor capable of performing an operation of supplying power to the terminal apparatus based on the incident occurrence signal.

However, WTI teaches a power supply and interrupt apparatus that supplies and interrupts power to the terminal apparatus (power supplied and interrupted to any device plugged into one of its five outlets; see section 1, paragraph 1, and section 3.3) for the purpose of facilitating communication with an unresponsive networked computer via a remote boot operation (see section 1, paragraph 1),

the processor of the server computer further capable of performing an operation of transmitting a signal to the power supply and interrupt apparatus (server's transmitter includes a telephone modem with which to communicate with power switch; see sections 3.2 and 3.2.1 ; and see Jacobs, column 8, lines 13-15), and

the power supply and interrupt apparatus including a processor capable of performing an operation of supplying power to the terminal apparatus based on the signal from the server's processor (ASCII string "ON" serves as signal to Control Port processor to switch power on for a plug; see section 5, paragraph 1 and paragraph 2, item 1).

Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Jacobs with the teaching of WTI to devise a system further comprising a power supply and interrupt apparatus that supplies and interrupts power to the terminal apparatus, the processor of the server computer further capable of performing an operation of transmitting an incident occurrence signal to the power supply and interrupt apparatus, and the power supply and interrupt apparatus including a processor capable of performing an operation of supplying power to the terminal apparatus based on the incident occurrence signal. One would be motivated to do so in order to facilitate communication via a remote boot operation when the terminal apparatus is unresponsive or powered off.

Regarding dependent claim 6, this claim is equivalent to the system discussed above (claim 5) with the distinction that it is additionally dependent on claim 2 rather

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than claim 1 only. Therefore, for reasons applied above, such a claim also would have been obvious.

7. **Claim 7 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Jacobs in view of Pare and in further in view of White, as applied to claim 3, and further in view of WTI.

Regarding dependent claim 7, this claim is equivalent to the system discussed in claim 5 with the distinction that it is additionally dependent on claim 3 rather than claim 1 only. Therefore, for reasons applied above, such a claim also would have been obvious.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

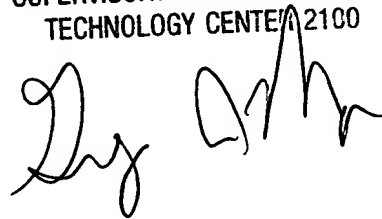
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Elmore whose telephone number is 571-272-4224. The examiner can normally be reached on M 10-8, T-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

A handwritten signature in black ink, appearing to read 'Greg Morse', is written over the printed name and title.